

LACKAWANNA CASE. IS IN QUESTION OF ILLEGAL REBATING GOES TO JURY 10-DAY.

President Trustee Testifies That It Was Only Fair to Reimburse Lowell M. Palmer and Palmer Declares the Money Didn't Go Into the Trust's Treasury.

After a trial lasting less than three days a jury in the United States Circuit Court will decide this morning whether in making repayments to Lowell M. Palmer on sugar shipments in 1902, 1903 and 1904 from Brooklyn to Buffalo and points west of that city the Lackawanna, Lackawanna and Western Railroad Company violated the Elkins anti-rebate act.

The defense completed its case before the close of the morning session yesterday and it took John B. Stanchfield, chief counsel for the railroad company, and United States District Attorney Stinson little more than an hour in the afternoon to make their closing addresses to the jury. Judge Holt will deliver his charge this morning.

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CANCEL MURPHY DOCK LEASE. City Will Pay His Company \$50,000 in a Lump to Let Go.

The Sinking Fund Commission approved yesterday the plans of Dock Commissioner Bessel for the improvement of the Hudson River waterfront between Seventy-seventh and Eighty-first streets by building new bulkheads and five new piers. The lease of the present dock at West Seventy-ninth street, held by the New York Contracting Company, of which John J. Murphy, brother of Charles F. Murphy, the Tammany leader, is the head, will be cancelled.

This dock privilege was a small gold mine. The lease was obtained by the Murphy company during the Van Wyck Administration for \$1,200 a year. The Street Cleaning Department, however, saved long distance hauling of ash carts, was compelled to use the wharf for dumping purposes and paid about \$12,000 a year to the Murphy company for partial use of the pier. The company made an average revenue of \$20,000 out of the dock. The Sinking Fund Commission decided yesterday that on the basis of the rental paid by the company it would be a fair compensation to cancel the lease on a basis of \$2,500 a year. As the lease has twenty more years to run the Murphy company will receive \$50,000 in bulk from the city.

In Mayor Van Wyck's Administration the Murphy company obtained leases of three wharves on the North River at Thirty-sixth, Seventy-ninth and Ninety-sixth streets. The Thirty-sixth street lease has already been wiped out. The Seventy-ninth street is going and it was predicted yesterday in the City Hall that before long there will be some improvement scheme which will require the city to take over the Ninety-sixth street dock.

The commission adopted a resolution requiring the Board of Estimate to increase Commissioner Bessel's salary from \$6,000 to \$7,500 a year.

Commissioner Bessel's application for \$20,000 for a new dock system in South Brooklyn and to continue dock improvements on the Manhattan waterfront was approved by the Board of Estimate and the Board of Estimate may be made the assent of the Board of Estimate must be obtained.

WATERFRONT ELEVATED PLAN Not Likely to Be Taken Up by the Rapid Transit Commission.

When the Rapid Transit Commission meets today to take final action on the question of the removal of the New York Central's tracks on Eleventh avenue between St. John's Park and Thirtieth street the probability is that the board will not proceed with the plan favored by Mayor McClellan for a city built elevated structure for the joint use of all the railroads having docks on the North River front.

At a hearing which has been held by the commission the organization on the West Side which have been agitating in the matter have insisted that the city shall carry out the provisions of the Saxe bill, which provides that unless the company agrees by March 20 next to place its tracks underground the municipality shall proceed to condemnation.

It is known that the beginning of such proceedings will mean the starting of an action by the company to test the constitutionality of the Saxe law, on the ground that the city cannot bring condemnation proceedings for the mere purpose of obtaining a franchise. This threat has been known to the West Siders, but as they have persisted in the cry that the Saxe bill or nothing the commission is likely to-morrow to give way to the demand that it rescind its action.

It is expected that the commission has no prospect at this late hour of the session of the Legislature in getting a bill passed amending the Saxe measure. It is expected that it will require at least three years to carry the case through the courts. Mayor McClellan has also stated that should the Saxe law be upheld the city will be financially unable to pay the \$75,000,000 estimated cost of the company's franchise on the West Side streets.

HUDSON & MANHATTAN TUNNEL. Certificate Filed Fixing the Amount of Payments to Be Made to the City.

ALBANY, March 13.—There was filed with the Secretary of State to-day a certificate, under date of February 28, from the Rapid Transit Commission of New York City to the Hudson and Manhattan Railroad Company, modifying the terms of a certificate of February 2, 1905, to the New York and Jersey Railroad, known as the Tunnel Company, operating from New York City to New Jersey. The Tunnel Company is one of the corporations merged into the Hudson and Manhattan Railroad Company.

The certificate, which is accepted by W. G. Meadlo, president of the Hudson and Manhattan Railroad, fixes at \$1,000 the annual rental to be paid the city of New York by the railroad company for the use of the tunnel, to be situated in Fourteenth street, near the western side of Sixth avenue; Twenty-third street, near the western side of Sixth avenue; and two on Twenty-eighth street, near the eastern side and near the western side of Sixth avenue.

The certificate also provides that space is to be considered and paid for as vault space and fixes payments to be made for such space at 4 per cent. per annum on the value of the space, as determined by the mode of calculating payments is based on valuations placed on the adjoining property. Payments are to be begun to the city of New York on the first day of the company shall begin actual operation.

AGAIN LOOKING FOR COPPER. The Gladstone-Greenwater Company Resumes Operations.

The Gladstone-Greenwater Copper Development Company, which suspended operations some time ago, resumed work yesterday. A. H. Butler, general manager for Senator Clark and vice-president of the company, says that the geologist of the company is still as confident as ever of the outcome of development work. He explains the cessation of operations as follows:

"A dispute arose with the vendors, which led to our stopping operations, and it seemed that it would be impossible to get the property in such a way as to have it returned all subscriptions which had been received by the company. This difficulty, however, has been removed and the vendors have been returned to the property. Work has been resumed in driving the tunnel to reach the ledge. We still have to drive the tunnel fully 300 feet before we can expect to cut the main ledge."

KNICKERBOCKER ICE FIGHT. Annual Meeting Postponed—The Thomases Want to Treat.

The annual meeting of the Knickerbocker Ice Company has been adjourned again, and it is held in Chicago on April 1. Agreement on the new date was reached yesterday by President Field and the stockholders committee, who together hold a majority of the stock. The voting of the minority holdings in the possession of the Messrs. Thomas's Western Ice Company is still restrained by injunction.

The Thomases have recently made overtures to the stockholders' committee for a settlement of the litigation. The matter has been held in abeyance since the company's first stipulation was made, and there have been no negotiations. Neither said a member of the protective committee yesterday, will there be negotiations until the first stipulation is accepted, which is represented by the protective committee are not to be subordinated to the Western Ice Company or any other Thomas's business.

NAUTICAL MUSEUM EXHIBIT. Chronometer Laid by Capt. Hall to the Arctic Starts the Collection.

Prof. Charles Lane Poor announced yesterday that the proposed New York Observatory and Nautical Museum has received as its first exhibit a silver chronometer used by Capt. Charles F. Hall, the Arctic explorer, in his five years' sojourn among the Esquimaux from 1884 to 1889, prior to the famous voyage of the Polar, which he commanded and on which he lost his life. Accompanying the chronometer is a letter from Mrs. Frances King Ward, the donor, stating that it is "for the first show case in the new museum and observatory. More power to it!"

Hall's first Arctic expedition was for the immediate purpose of learning the fate of the members of John Franklin's expedition, and in the endeavor to solve this mystery he lived with the Esquimaux from 1880 to 1882. Upon his return Capt. Hall began to equip a second expedition in the hope that this time he would be successful in finding the bodies of Franklin's men. A large part of his outfit was loaned to him. The United States Coast Survey gave him the use of a sextant and a dip circle, while the mathematical instrument makers and merchants extended to him the privilege of making his own selections from their stores. It was from Augustus Ward that he received the silver chronometer which bears the inscription: "In trust to Charles F. Hall, Arctic explorer, by Augustus Ward, June 1889, N. York."

On this second expedition Hall, after repeated disappointments, was at last successful in finding the bodies of at least seven of Franklin's party. He erected monuments over the places where the dead men lay and fired salutes in honor of their memory. The chronometer, of geographical knowledge was also collected on this trip, which occupied five years from 1884 to 1889.

The chronometer which has been presented to the Nautical Museum was sent back to Augustus Ward from Repulse Bay in 1887. Ward kept it until his death, when it became the property of his son, Edmund A. Ward. Edmund A. Ward died last June and his widow sent the chronometer to Prof. Poor.

The bill to incorporate the institution on much the same basis as the Museum of Natural History has passed the Assembly and is now before the Senate.

ELECTRICAL WORKERS' PEACE. Deadlock Over Attempt to Amalgamate Local Unions Ends.

The deadlock between the electrical workers and their employers over the attempt to amalgamate two local unions which threatened to end in a strike or lock-out was ended peacefully yesterday. The two unions are to be disbanded and form part of the Insular Electrical Workers' Union, which is a part of the International Brotherhood of Electrical Workers.

This arrangement affects about three thousand electrical workers in the two unions. The Insular Electrical Workers' Union, which was organized by President McNulty of the International Brotherhood of Electrical Workers by arrangement with the charter of the Insular Association, made an agreement with the association by which the wages were to be \$1 a day for this year and \$1.50 beginning January 1, 1906. The agreement was directed to disband and join the new body. The New York Electrical Workers' Union, which had been formed under the arbitration agreement, was to be dissolved. The Insular Electrical Workers' Union, No. 3, was locked out, repudiated this arrangement, but No. 3 accepted it and formally disbanded.

Up to yesterday the Electrical Contractors' Association could not employ any of the members of the new union with which it was registered. This union, because the New York Electrical Workers' Union was the only union in the trade represented in the arbitration plan. This union, which was a part of the International Brotherhood of Electrical Workers, was a strike would have followed by a lockout for violation of the arbitration plan. The new union will now be admitted to the arbitration plan.

SLISS-SHEFFIELD REPORT. Available Balance in 1900 to Pay \$3.31 Per Cent. on Common Stock.

The annual report of the Sliss-Sheffield Steel and Iron Company for 1905 shows a balance available for common dividends after the payment of preferred dividends of \$3.31 per cent. on the \$10,000,000 outstanding common stock, compared with 7.36 per cent. in the previous year.

The rate of the common dividend was raised last year from 3 1/2 per cent. to 5 per cent. with the result that a surplus of \$3,813,775 was compared with \$2,379,000 for the preceding year. Gross earnings increased by \$522,300 to \$6,200,000. Operating expenses decreased by \$1,213,400 to \$1,351,746. After the deduction of fixed charges, which remained the same, the net earnings were \$4,848,254. A balance remains available for dividends of \$1,000,843, a decrease of \$204,236.

At the annual meeting of the stockholders of the company, which was held at the Hotel Hamilton, New York City, on February 28, a resolution was passed reducing the number of directors from fifteen to twelve. The following directors were dropped from the board: John A. McClellan, George A. McClellan and R. B. Van Cortlandt. The other directors were re-elected.

M. TOBACCO'S BIG EARNINGS. Fat Surplus Remains After Distributing \$173,775.88 in Dividends.

The report of the American Tobacco Company for the annual meeting yesterday day at the annual meeting of the stockholders in Jersey City. It shows net earnings of \$2,008,873, an increase of \$1,194,088 over the preceding year.

After the payment of fixed charges a balance of \$2,589,118 remained. Dividends amounting to \$1,775,888, an increase of \$1,008,000, were paid, leaving a surplus of \$804,230, an increase of \$588,000. After deducting \$1,000,000 in purchasing bonds, the company's balance was \$3,988,900 as compared with \$3,933,880 in 1905. All the retiring directors were re-elected.

FOR BRIBING A WITNESS. Grand Jury of Suffolk County Indicts a Brewer for Tampering with a Case.

RIVERHEAD, L. I., March 13.—The Suffolk county Grand Jury has handed up to Justice Scudder an indictment against Frank G. Yetter, a brewer of this place, who is charged with tampering with a witness and preventing him from testifying at the December term of the county court.

Edwin P. Banta, a Brooklyn detective, appeared before the Grand Jury yesterday. He got alleged evidence against liquor men trying to sell in Suffolk county. When the cases were called Banta had left town. He was arrested later on a charge of contempt of court. A ter he had spent some time in jail, he was released on \$10,000 bail. It is alleged that he confessed that he was bribed to the extent of \$200 to leave town and threatened with bodily harm if he appeared as a witness.

Corn Products Dividend Promised. CHICAGO, March 13.—President E. T. Bedford, of the Corn Products Refining Company, has informed Chicago refiners that it is planned to declare a dividend of 4 per cent. on the preferred stock at a meeting of the directors to be held in New York within the next two weeks. The dividend will represent 1 per cent. for the quarter ended February 1st, which closed the company's first fiscal year, and 3 per cent. to make up the full 7 per cent. for the year. They will begin its low year without an earnings in dividends on the 7 per cent. cumulative preferred stock.

IRON AND STEEL. Moderate Activity in Second Half Iron—Heavy Bookings in Finished Steel.

Chicago, St. Louis, Cincinnati, Cleveland, Pittsburg and Philadelphia report a decided improvement in sales of foundry and steel making iron for forward deliveries. Second quarter and spot are in increasing demand, and for spot foundry of all grades prices exhibit hardening tendencies. Demands for spot steel are in excess of the tonnage available at most Northern and Southern furnaces. There is less spot Scotch and English iron on tide water than at any time since imports became a feature in the market. There is hardly any British foundry iron for spot wants at this port. In Boston small tonnages of No. 1 Scotch are obtainable at \$24.50 per ton. The local market has a small supply of No. 3 Middletown at \$21.75 per ton. Buffalo furnaces are quoting No. 2 X foundry at \$22.50 per ton for second half at \$24.50 per ton. The local market has a small supply of No. 3 Middletown at \$21.75 per ton. Buffalo furnaces are quoting No. 2 X foundry at \$22.50 per ton for second half at \$24.50 per ton.

Several of the larger engineering corporations in the Middle States are in the market for lots of 5,000 to 12,000 tons of foundry and basic pig iron. Most of this business will be closed by the week's end. Buyers state that the furnaces are very firm, and that this position is warranted by the strong statistical conditions. Southern foundry is languid in second half contracts and active for second quarter and spot. For account of a Chicago iron corporation a large contract in Alabama foundry iron was closed on the basis of \$19.40 per ton for No. 2 foundry. Prompt and spot Southern are on the basis of \$21.50 per ton for No. 2 foundry at furnaces. Coke is quoted at \$1.00 per ton. Pig iron is quoted at \$1.00 per ton. The market for pig iron is active. The market for pig iron is active. The market for pig iron is active.

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NEW JERSEY CENTRAL. Time shown from below is from Liberty Station. Leave West 2nd St. 10 minutes earlier than shown. Daily except Sundays and Holidays.

PHILADELPHIA-TWO-HOUR TRAIN EVERY HOUR ON THE HOUR.
11:15, 12:30, 1:45, 3:00, 4:15, 5:30, 6:45, 8:00, 9:15, 10:30, 11:45.
BALTIMORE AND WASHINGTON.—7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 12:00, 12:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00, 4:30, 5:00, 5:30, 6:00, 6:30, 7:00, 7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 12:00, 12:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00, 4:30, 5:00, 5:30, 6:00, 6:30, 7:00, 7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 12:00, 12:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00, 4:30, 5:00, 5:30, 6:00, 6:30, 7:00, 7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 12:00, 12:30, 1:00, 1:30, 2:00, 2:30, 3:00, 3:30, 4:00, 4:30, 5:00, 5:30, 6:00, 6:30, 7:00, 7:30, 8:00, 8:30, 9:00, 9:30, 10:00, 10:30, 11:00, 11:30, 12:00, 12:30, 1: